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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

NSD-L-98-99

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Emergency Petition of Bell Atlantic-)

West Virginia for Authorization to)

CC Docket No. 98-11

End West Virginia's Bandwidth Crisis)

Reply of Bell Atlantic-West Virginia

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Attachments

Affidavit of Dennis M. Bone

Affidavit of H. Stanley Cavendish

Affidavit of Roy D. Williamson

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FEDERAL COMMUNICATIONS COMMISSION
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| In the Matter of |) | |
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| Emergency Petition of Bell Atlantic |) | NSD-L-98-99 |
| Corporation for Authorization to |) | |
| End West Virginia's Bandwidth Crisis |) | CC Docket 98-11 |
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REPLY OF BELL ATLANTIC - WEST VIRGINIA

The usual suspects from the long distance industry oppose Bell Atlantic - West Virginia's request for narrowly limited relief to carry Internet-bound traffic across LATA boundaries to the nearest Internet access point, and to provide high capacity computer-to-computer links within the state. But their comments ultimately serve to confirm Bell Atlantic's depiction of bandwidth scarcity in West Virginia and reinforce the strong public interest in granting the requested relief.

To pick a few prominent examples, Allegheny notes in its comments (at 2) that, "[b]y and large, Bell Atlantic's assessment with regard to the absence of high speed Internet backbone capacity in West Virginia is accurate." Sprint forthrightly admits (at 3) that it has "capacity constraints" and says that only one other carrier may have sufficient capacity "now" to serve immediate needs. And even MCI admits (at 2, n.2; 3) that it has "had no excess capacity available" and that there is at least a "temporary exhaustion of Internet capacity in West Virginia."

In contrast, AT&T claims a new-found interest in addressing West Virginia's needs, but its carefully worded pleading disguises telling omissions: AT&T carefully

avoids saying it had high-capacity service available when it was first sought, and neglects to mention that it now can make available even a single DS-3 only because another customer canceled its order. And to the extent WorldCom tries to claim that its own failure to deliver a single high-capacity circuit in a timely manner is really Bell Atlantic's fault, its arguments are demonstrably wrong and largely beside the point in any event.

Despite the efforts of the long distance incumbents to distract attention from the real issue here, none of the commenters seriously dispute that West Virginia suffers from a shortage of high-speed interLATA capacity to connect the state to the Internet, and through it, to the rest of the world. The struggle to find even a single interLATA DS-3 for the state proves the point. And while the long distance carriers say they plan to deliver limited amounts of bandwidth to the state in the future, the additions they cite are inadequate to serve West Virginia's needs. As data traffic continues to grow exponentially every year, West Virginia's bandwidth problem will only grow worse – even with the few facilities that others represent they are building.

It is strongly in the public interest to grant Bell Atlantic the narrowly-tailored relief requested here so that it can build high-speed data links that will help to relieve West Virginia's interLATA bandwidth bottleneck.

I. West Virginia Continues to Suffer from Bandwidth Famine.

As Bell Atlantic noted in its petition, West Virginia has been suffering from a famine of interLATA high-speed bandwidth. Although the pleadings filed here by long distance incumbents assert that all is (or someday will be) well, recent events serve to emphasize the continuing need for immediate relief.

a. Recent Events Confirm the Shortage. For example, while the long distance carriers were drafting their comments claiming that no shortage of bandwidth exists, both MCI and Sprint told the project manager of a 1,000-employee Call Center project planned for Clarksburg that they currently cannot serve the call centers in Clarksburg with high-speed facilities. Meanwhile, AT&T has failed to provide high-speed connections to another Call Center in Clarksburg, more than 6 weeks after the center's scheduled opening. Cavendish Aff. at 1.

This continuing shortage is not surprising, since most carriers – including WorldCom, MCI, Sprint, and other major players – have few if any facilities in West Virginia. For the most part, they resell facilities from other carriers. For example, WorldCom notes that it “does not own or operate any of its own telecommunications facilities terminating in West Virginia.” Instead, “WorldCom leases the capacity necessary to serve its customers... from other providers.” WorldCom at 3. Likewise, MCI says it is negotiating for broadband capacity from other carriers, MCI at 4, although one of the parties it is negotiating with, Allegheny, says it will not have a complete broadband connection up and running until at least the second quarter of 1999. Allegheny at 2.

b. AT&T Has Not Delivered Adequate Capacity. While AT&T does have some facilities in West Virginia, it too lacks adequate high-speed bandwidth to meet the state's needs. In fact, AT&T's lack of available high-speed connections has been well-known in the industry for some time, and that lack was acute right at the time that the state and its long distance carrier, ICON, were searching for bandwidth for the WVNET project. See “AT&T Faces T-1 Shortage,” Network World (Feb. 16, 1998) (“The shortages affect . . .

core data services that require a dedicated access line, such as private lines and frame relay.”).

AT&T itself carefully avoids claiming that it had any high-speed bandwidth available in West Virginia through the first half of this year, and the careful wording of the pleading presumably confirms that lack of capacity. Indeed, in claiming that it now could deliver some T-3 capacity, AT&T scrupulously uses only the present and future tense. See AT&T at 5 (“The dispositive fact is that if Bell Atlantic were to approach AT&T with such a request today..., AT&T could provide....”) (emphasis added); see also AT&T Opp., O’Brien Decl. at 2 (“T3 circuits can be made available for Bell Atlantic’s use by Sept. 1....”) (emphasis added); and Boggess Decl. at 2 (“AT&T could, if requested, provide [a] T3 link from Morgantown to Pittsburgh...by September 1....”) (emphasis added).¹

¹ While AT&T also asserts that it has no record that Bell Atlantic asked it to provide an interLATA circuit on the WVNET project, that fact is hardly surprising. The interLATA services for the project are provided by an unaffiliated non-facilities based long distance carrier, ICON. And it was ICON that undertook to query all long distance providers, including AT&T, and determined that no facilities were available. See Edwards Aff. at 1, attached to Bell Atlantic Pet. Moreover, ICON apparently approached AT&T in the only way it could. Because ICON is a small (to AT&T) customer, it does not have an assigned AT&T Account Executive. Instead, ICON has to deal with AT&T through intermediaries (agents and resellers) for information on the availability of services and pricing. And that is precisely what it did here. ICON initiated a contact on February 25 through one of the largest resellers of AT&T data services (the only route available to ICON in order to secure services from AT&T). Contrary to AT&T’s suggestion, the fact that small carriers such as ICON have difficulty attracting the long distance giant’s attention merely emphasizes the need for an additional provider to compete with the big three facilities-based carriers.

Moreover, as explained in the attached affidavit of Dennis Bone, President of Bell Atlantic - West Virginia, AT&T itself expressly “acknowledged AT&T’s shortage of facilities in northern West Virginia” on June 24, 1998. See Bone Aff. at 2. In fact, it was only after ICON was contractually committed to WorldCom to provide facilities for the WVNET project, after that “solution” experienced repeated delays, and after Bell Atlantic filed its petition, that AT&T’s representative said on August 3rd that his company had a DS-3 facility available. And even then, he conceded that the reason he could offer this DS-3 facility was because another customer had canceled a request for service; prior to that unexpected cancellation AT&T presumably did not have any facilities available. See Cavendish Aff. at 2.

Other evidence also confirms that AT&T has struggled to provide high-capacity bandwidth in West Virginia. For example, AT&T experienced serious delays in providing a DS-3 circuit connecting the north and south LATAs in West Virginia earlier this year. See Brown Aff. at 1-2, attached to Bell Atlantic Pet. Recently, the State placed an order with AT&T on May 1 for delivery of another DS-3 connecting Charleston and Clarksburg by July 1 – two months after the order was submitted. Yet, despite the lead time, and after three delays, AT&T finally connected the circuit on July 29 – almost a month late.

In stark contrast to AT&T’s failure to meet its customer’s needs, Bell Atlantic demonstrated its ability to meet customer requirements when given a chance to do so. AT&T did not come to Bell Atlantic until July 24, five days before the eventual completion of the Charleston to Clarksburg connection, requesting a DS-3 connection from its Wolf Summit POP to Bell Atlantic’s switch in Clarksburg, with service to be connected

on July 29. This was the final leg of the state's circuit. Bell Atlantic turned up the circuit to AT&T at 9:00 a.m. on July 29, on time for AT&T.

c. WorldCom Misstates the Facts. In an effort to explain away its own repeated delays in providing high-capacity bandwidth to the state, WorldCom adopts a different tactic – blame others. It alleges that its own failure to deliver is merely a function of the fact that Bell Atlantic did not provide an intraLATA DS-3 in Morgantown that it needed to complete the connection. This is simply not true.

As Roy D. Williamson explains in the attached affidavit, Wiltel (a WorldCom subsidiary) placed an order with Bell Atlantic on March 18 for a DS-3 circuit from WVNET's location in Morgantown to an AT&T POP at Etam, near Rowlesburg. The physical work on that circuit was performed in early April, and Bell Atlantic told WorldCom that the circuit was completed, tested and ready on April 15. After repeated delays from WorldCom in accepting the circuit, and after being notified that the order would be treated as canceled by Bell Atlantic because WorldCom had delayed acceptance for over 30 days, WorldCom's representative explained that "AT&T is having power problems." Apparently the power (or power equipment) for the circuit, which would have to be supplied at the AT&T-owned Etam site, was not available. In response, Bell Atlantic granted numerous extensions, but finally canceled the order on July 9 to free up the circuit for other customers, nearly 3 months after it had been provisioned by Bell Atlantic.

II. Internet Backbone Companies Are Providing Too Little Bandwidth, Too Late

Some of the commenters claim that, even though there currently is a shortage of high-capacity interLATA bandwidth, Bell Atlantic's petition is "moot" because they now are taking steps to remedy the situation. As a preliminary matter, some of these steps apparently are being taken in response to the filing by Bell Atlantic, and the people of West Virginia should not be expected to depend on regulatory proceedings to obtain (even the promise of) the facilities they need. Just as importantly, the promised capacity will not even begin to solve West Virginia's high-capacity bandwidth deficit.

a. AT&T Is Installing One SONET Ring to Reach One POP. In response to the petition here, AT&T claims that, regardless of the current state of affairs, it is installing adequate bandwidth for West Virginia.

First, AT&T says it will be adding 15 T-3s in September to connect Charleston to other points within the state, and currently hopes to complete its first SONET ring in West Virginia through its POP at Wolf Summit later this year. AT&T at 6. Bell Atlantic – which will have 24 SONET rings in West Virginia by the end of the year to address West Virginia's escalating needs for bandwidth and route diversity and already has roughly 150 T-3s in place – applauds AT&T's plans to complete 1 SONET ring to one of its 11 POPs in the state, and to add some T-3s. But 1 SONET ring and a few T-3s will not begin to solve the shortage of high-capacity bandwidth.

Second, AT&T says that it was able to "accommodate" West Virginia University's request for a single T3 circuit from Morgantown to Pittsburgh on July 28. This apparently is different from actually provisioning such a circuit, however, since AT&T says it currently is "scheduled to come on line later this year." AT&T at 6. Any measures to

increase bandwidth of course are welcome; but the arrival of one relief ship in the middle of a general famine does not solve the problem.

b. MCI Is Not Solving West Virginia's Bandwidth Crisis. MCI asserts (at __) that it and others "have been proactive in securing arrangements for additional transmission capacity, in order to ensure that the increasing demand for advanced capabilities and service in West Virginia is met." This proactivity apparently does not extend to MCI actually investing capital in the state; according to its annual Form M report filed with the state, MCI's gross plant in West Virginia declined in 1997 compared to the prior year. Lack of investment by the big three facilities-based long distance carriers is precisely what has led to the current bandwidth crisis. Indeed, MCI does not represent that it is building any facilities itself, only that it is trying to secure facilities from others.²

c. Other Bandwidth Providers Do Not Have Adequate High-Speed Bandwidth. Some other companies have claimed they are beginning to make bandwidth available to West Virginia, but even if their sketchy promises are fulfilled, they would not solve West Virginia's interLATA bandwidth famine. For example, Allegheny claims in its Petition – based on an announcement made after Bell Atlantic filed its petition – that it will build a line out to West Virginia by the 2nd quarter of 1999. Intermedia notes that it made a bid for the WVNET work and lost, but it does not say it has any interLATA facilities into West Virginia, and the network map submitted in response to the RFP for the project shows no

² MCI's attempt (at 2) to imply that Bell Atlantic is engaged in the provision of interLATA service is frivolous. Bell Atlantic provides only intraLATA transmission services, and its affiliate provides Internet access service. Any services that cross LATA boundaries are obtained and provided by an unaffiliated long distance carrier chosen by the customer, in this case ICON. And it is ICON that has been working diligently to procure capacity. See supra n.2.

facilities in West Virginia whatsoever. Finally, two other carriers, FiberNet and Helikon, represent that within the last two months they have established two and one fiber links to West Virginia, respectively.

But these various pleadings are vague on the actual workings of these fiber links, and merely stringing some fiber to a couple of locations does not solve the interLATA bandwidth problems in West Virginia. More than fiber strands are needed to offer adequate and reliable service: SONET rings, routers, switches, operations support systems, and other electronics also are needed. Bell Atlantic has built a very sophisticated intraLATA network in West Virginia; no one has built or apparently plans to build a matching interLATA network leading out of the state.

d. Bell Atlantic Will Solve West Virginia's Bandwidth Crisis. Bell Atlantic certainly applauds providers who plan to build out more interLATA high-capacity bandwidth to West Virginia. But, granting Bell Atlantic's petition will ensure that West Virginia's six lane information highway does not become a two-lane country road out of the state. West Virginia state government, educational institutions, health care providers, as well as many private businesses, have adopted a strategy of using advanced technology to improve the effectiveness of their core missions. Nearly all of these institutions depend on the ability to carry out, for example, telemedicine, distance learning and data processing at very high speeds, with failsafe reliability, and across wide, multi-state, and even global, areas. Bell Atlantic's network has been designed to support those users' requirements at high-speed (OC-3 or higher), on an ATM technology platform, with extensive (29 rings) SONET route diversity incorporated into the network for reliability. West Virginia's

vision of the future cannot be met by a few strands of fiber or one SONET ring other companies say they either have or plan to have.

III. The Commission Has Legal Authority to Act.

The long distance incumbents also predictably claim that the Commission cannot grant the narrow relief requested here. As the Commission itself has recognized, however, they are wrong.

As an initial matter, the long distance carriers argue that the Commission lacks authority under section 706 to grant relief until Bell Atlantic has complied with the competitive checklist in Section 271 of the Act. While Bell Atlantic disagrees with the Commission's recent order adopting that argument – and the West Virginia Commission previously concluded that Bell Atlantic has fully complied with the checklist in any event – the dispute is immaterial for present purposes.

In its recent order, the Commission reiterated its conclusion that it has authority to modify LATA boundaries in appropriate circumstances, authority that it has exercised a number of times since the Act was passed. See Order and NPRM, CC Dkt 98-11 et al., at 34-39. In fact, it expressly recognized that the very circumstances presented by the petition here are one example of when relief is warranted: "We tentatively conclude that some modification of LATA boundaries may be necessary to provide subscribers in rural areas with the same type of access to the Internet that other subscribers throughout the nation enjoy. We also tentatively conclude that such boundary modifications for the purpose of facilitating high-speed access to the Internet would further Congress' goal of ensuring that advanced services are deployed to all Americans." Id. at 87, ¶ 194.

Moreover, Bell Atlantic has requested narrowly tailored relief to solve a bandwidth problem that even most opponents of its petition agree exists today. This narrow relief does not in any way diminish Bell Atlantic's incentives to achieve full Section 271 relief: On the contrary, the relief requested here is analogous to (though far more limited than) Bell Atlantic's existing authority to provide interLATA service in the corridors between New York and New Jersey and between Philadelphia and New Jersey. Yet, no one would seriously contend that this limited corridor authority has undermined its incentive to obtain broader interLATA relief in those other states.

In any event, as noted above, the West Virginia Commission already has concluded that Bell Atlantic is checklist-compliant following extensive hearings with a voluminous evidentiary record. See. In re Bell Atlantic-West Virginia, Inc. Petition to Establish a Proceeding to Review the Statement of Generally Available Terms and Conditions, Case No. 96-1561-T-PC, et al., Commission Order (W.Va. PSC May 16, 1997); and Commission Order, Case No. 96-1561-T-PC, et al., (W.Va. PSC June 26, 1997). The only problem in West Virginia is that, just as the long distance incumbents have failed to make the investment to provide badly needed high-capacity interLATA services, they and other competitors have failed to take actual steps to compete in the local market in West Virginia (as opposed to merely filing for certification and requesting interconnection).

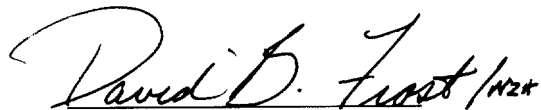
In sum, the only real question is whether the narrowly tailed relief requested here would promote the public interest by helping to alleviate the shortage of high-capacity interLATA bandwidth. Since existing providers have not served West Virginia well, the Commission should use its LATA boundary modification authority to bring West Virginia the relief it needs.

Conclusion.

The comments opposing Bell Atlantic's petition actually lend support to Bell Atlantic's case. The problem of bandwidth famine is real, as evidenced by the acknowledged capacity constraints that currently exist, the delays in establishing call centers that would employ many more West Virginians, and the inability to find even one DS-3 when it was needed. Yet it is only under the spotlight of a Commission inquiry that many providers currently permitted to offer such mundane capacity are spurred to action, and the capacity they now plan to build or find is inadequate to solve the current bandwidth famine anyway.

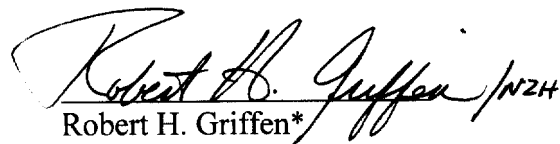
For all of these reasons and the reasons set out in the petition, the Commission should grant the narrowly-crafted relief requested here.

Respectfully Submitted,

Handwritten signature of David B. Frost in cursive, followed by the initials /N2H.

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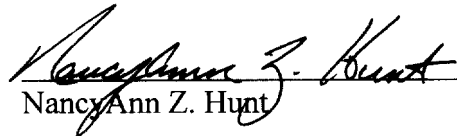
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August 21, 1998

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 21st day of August, 1998, I mailed a copy of the foregoing Reply of Bell Atlantic - West Virginia by first class mail, postage prepaid, unless otherwise indicated, to the attached list of people.


Nancy Ann Z. Hunt

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Affidavit of Dennis M. Bone

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

Before me, the undersigned authority, this day personally appeared Dennis M. Bone, who, being by me first duly sworn, deposed and said:

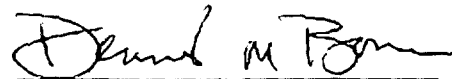
1. My name is Dennis M. Bone. I am President & CEO of Bell Atlantic - West Virginia, Inc. ("BA-WV"). I am authorized to make this affidavit, and have knowledge of matters set forth in this affidavit either by virtue of my own personal knowledge or by virtue of my review of the records maintained in the regular course of business by BA-WV.

2. As President & CEO of BA-WV, I am ultimately responsible for overseeing BA-WV's operations and interests throughout West Virginia. BA-WV has taken an active role in promoting the interests of West Virginia, especially in the areas of education and economic development. I also have ultimate responsibility to oversee programs in these areas, including Office of the Future, World School, and WV2001. From time to time, I become directly involved in specific issues in these areas.

3. In connection with BA-WV's Office of the Future program, I have been personally involved in discussions with several companies concerning relocation to or expansion of operations in West Virginia. Since 1997, the issue of bandwidth (or lack thereof) to get into or out of West Virginia has become a major concern in many of these discussions. I have been aware of this issue in regard to the following expansion/relocation decisions: Coldwater Creek's technology and distribution center in Mineral Wells, Civic Development Group's new offices in Clarksburg and Elkins (and the company's decision to drop Keyser from consideration as a potential site), IQI's expansion in Elkins and TeleTech's expansion in Clarksburg.

4. During the evening of June 24, 1998, I had a conversation with Rick L. Boggess, AT&T's Account Manager for the State of West Virginia, concerning the lack of high bandwidth facilities out of West Virginia, especially in regard to certain teleservices companies expanding in northern West Virginia. We specifically discussed Civic Development Group's problems in this area and also the expansion of IQI, probably in the September, 1998 time frame. During this conversation Mr. Boggess acknowledged AT&T's shortage of facilities in northern West Virginia. He also stated that AT&T was reinforcing their facilities at their Wolf Summit point of presence (POP) in the Clarksburg LATN, stating that the additional bandwidth would not be available until November, 1998. Mr. Boggess even asked if I thought this timing would be adequate to meet these customers' needs, to which I responded negatively.


I declare that the foregoing is true and correct to the best of my knowledge.



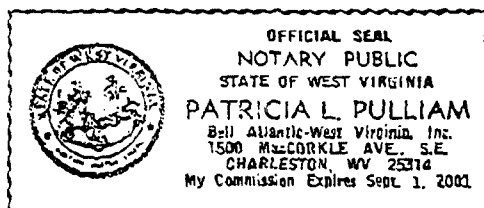
Dennis M. Bone
President & CEO
Bell Atlantic - West Virginia, Inc.

Taken, sworn to and subscribed before me this 19th day of August 1998.

My commission expires:

September 1, 2001


NOTARY PUBLIC



Affidavit of H. Stanley Cavendish

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA

Before me, the undersigned authority, this day personally appeared H. Stanley Cavendish, who, being by me first duly sworn, deposed and said:

1. My name is H. Stanley Cavendish. I am employed by Bell Atlantic-West Virginia, Inc. as Director of Corporate and Public Relations. I am authorized to make this affidavit, and have knowledge of the matters set forth herein, either by virtue of my own personal knowledge or by review of the communications carried out by my organization in the normal course of business.
2. As the Director of Corporate and Public Relations, I am responsible for administering the company's economic development program, known as the Office of the Future project, wherein we attract new Call Center businesses to locate in West Virginia and technology projects, such as the World School project (Internet in the schools) and WV2001 initiative.
3. Several times, I have called upon AT&T's Rick Boggess to intervene or expedite the provisioning of T-1 facilities for new Call Centers in northern West Virginia, and he has been both responsive and helpful. Rick has acknowledged, however, that AT&T's facilities in northern West Virginia are "tight," pending a planned upgrade at the company's Wolf Summit POP.

A company called Civic Development has established a (planned) 300-person Call Center in Clarksburg. The company initially requested 7 T-1s from AT&T in mid-June, to be turned up before July 1, to accommodate a July 6 opening of the Center. (The Center has partial service through another 7 T-1s from WorldCom, although those were not provided until July 11.) AT&T responded that it did not have the facilities at Wolf Summit to provide the 7 T-1s requested. I asked Rick as early as late-July to help on this specific project, and gave him the name and telephone number of the center manager. As of Aug. 14, the date of this writing, these facilities still have not been provided. Civic Development plans to add a number of additional Centers in the coming months, but is not presently considering northern West Virginia as a location, due to the lack of broadband facilities.

4. Two more Call Center companies presently are interested in locating in the Clarksburg area. One of them has just tentatively picked a site in Bridgeport (near Clarksburg) for a 1,000-employee center. However, the project manager for the company just reported to the W. Va. (Economic) Development Office that MCI and AT&T both had reported to him that, "As it stands now, we could not serve you in that location." The second company is delaying implementation of a new Call Center, because of the known lack of long distance carriers' broadband facilities.

5. When I talked to Rick Boggess on or about Aug. 3, he mentioned that AT&T had provisioned a DS-3 from Morgantown to Pittsburgh for LDDS in mid-May. He said that LDDS had not, to date, taken the facility and asked if Bell Atlantic wanted the DS-3 for the WVNET project. (He called again on Aug. 5 to re-ask the question.) My answer was, "Where were you two months ago when I needed you." I explained that it was my understanding that the long distance carrier in this project (ICON) had become contractually obligated to WorldCom as the provider of the DS-3 facility. I also indicated that that facility was being stitched together from a number of carriers' physical facilities and it was not completed at that time. In fact, it is not yet complete as of Aug. 14.

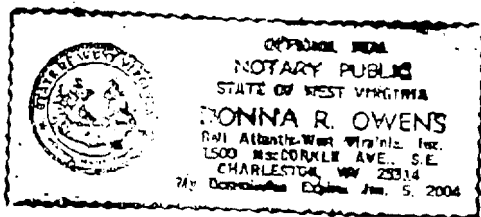
I declare that the foregoing is true and correct to the best of my knowledge.

H. Stanley Cavendish

H. Stanley Cavendish
Director
Bell Atlantic-West Virginia

Taken, sworn and subscribed before me this 20th day of August 1998.

My commission expires: JANUARY 5, 2004
Donna R. Owens
NOTARY PUBLIC



.....
.....
..... Affidavit of Roy D. Williamson

STATE OF WEST VIRGINIA
COUNTY OF HARRISON, to-wit:

Before me, the undersigned authority, this day personally appeared Roy D. Williamson, who, being by me first duly sworn, deposed and said:

My name is Roy D. Williamson. I am employed by Bell Atlantic West Virginia as a Team Leader for Electronics Design with the Facilities Management Department. My office is located at Rt. 1 Box 41E Bridgeport, West Virginia. I have knowledge of the matters set forth in this affidavit either by virtue of my own personal knowledge or by virtue of my review of the records maintained in the regular course of business by Bell Atlantic West Virginia.

On June 25, 1998, BA's Facilities Management Center received a request for a DS-3/T3 on from ABNS (circuit Id # 56.HFGQ.270749.CW). The purpose was to connect a planned Helicon Cable facility near Morgantown through BA's Morgantown switch to Clarksburg.

3. The following is the history of activities associated with the provisioning of the above service order. The purpose is to demonstrate the extraordinary steps Bell Atlantic took, including a number of changes in meet-points of facilities in order to connect with Helicon and complete the needed circuit to WVNET for W.Va.'s Internet backbone requirements.

6/25/98 The service order was placed in (Bell Atlantic) system and assigned to Facilities Management.

6/29/98 The service order was issued to provide a facility from Clarksburg to Suncrest wire centers. All facilities were in place; no new plant facilities required.

6/30/98 All facilities have been assigned

7/17/98 Date Due of service order

7/17/98 Service order address changed (by Helicon) to corner of Stewartstown Rd. & Rt 119 near pole 2131 / 4

7/17/98 Facility Management Center started engineering a fiber to the new service address. Had job 50% engineered

7/20/98 Service address changed (by Helicon) to 3604 Collins Ferry Rd. Morgantown, West Virginia

7/23/98 Facilities Management issued an Engineering work order # 41802 to Place Fiber cable to 3604 Collins ferry Rd.

7/23/98 BA Construction placed Fiber Cable

7/24/98 Helicon reported that it could not make arrangements with Century Cable to connect to the 3604 Address.

7/24/98 Service address changed back to the corner of Stewartstown Rd. & Rt. 119 near pole 2131 / 4.

Completed Engineering and released construction Order Number 41810. Construction carried out over the weekend.

7/27/98 Bell Atlantic completed all facilities. Ready for service.

4. Bell Atlantic Carrier Services received a request in mid-March from Wiltel (WorldCom) for a DS-3 facility to connect a circuit Wiltel had at Etam (near Rowlesburg, W.Va.) to WVNET's location in Morgantown. This appears to be the facility referred to on page 4 of WorldCom's comments dated Aug. 10, 1998. Bell Atlantic provisioned the facility by April 15, but WorldCom could not use it, reportedly due to a lack of power equipment at the ETAM site.

5. The following is a summary of activities associated with the provisioning of the above mentioned service order, based on actual notes in the system:

7/09/98 Order canceled.

Roy D. Williamson
Roy D. Williamson
Team Leader
Facility Management
Bell Atlantic West Virginia

Taken, sworn to and subscribed before me this 19 day of August, 1998

My commission expires: May 24, 1999

Mark W. Berry
NOTARY PUBLIC

